

FILED*08 JAN 07 16:22USDC-ORM

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JANENE ELLSWORTH, on behalf of
M.E., a minor child,

Civ. No. 07-281-CL

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social
Security

ORDER

Defendant.

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Plaintiff has filed objections. This court reviews legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983).

I have given this matter *de novo* review. I agree with Magistrate Judge Clarke that plaintiff has failed to show that a consultative examination is required. Accordingly, I ADOPT the

Report and Recommendation of Magistrate Judge Clarke.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#23) is adopted. The Commissioner's decision is affirmed and this action is dismissed.

IT IS SO ORDERED.

DATED this 7 day of January, 2008.

A handwritten signature in black ink, appearing to read "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE